

# ORDINANCE 1599

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO APPOINTMENT OF MEMBERS TO THE BUSINESS AND ECONOMIC DEVELOPMENT COMMISSION; AMENDING NORTH BEND MUNICIPAL CODE SECTION 2.30.020; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, on April 5, 2016, the North Bend City Council adopted Ordinance No. 1582, restructuring the membership of the Business and Economic Development Commission (the “Commission”) under Chapter 2.30 NBMC in order to create an “action-oriented” Commission made up of five members including one City Councilmember; and

**WHEREAS**, the Council’s intention to include a Councilmember on the Commission contemplated the Councilmember being assigned by consensus of the Council, whereas the other four members of the Commission are appointed by the Mayor and confirmed by the Council; and

**WHEREAS**, NBMC 2.30.020, as amended by Ordinance No. 1582, does not carry out the intent of the Council regarding the manner of appointment of the Councilmember assigned to the Commission; and

**WHEREAS**, the City desires to clarify the language of NBMC 2.03.020 as to appointment of Commission members;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. NBMC 2.30.020 (Membership), Amended:** North Bend Municipal Code Section 2.30.020 is hereby amended to read as follows:

### **2.30.020 Membership.**

A. Number of Members. The commission shall consist of five members selected as follows: (1) at least two members shall be city residents; (2) at least two members shall work for or have an ownership interest in a business located within the city but are not required to be city residents; and (3) the remaining member shall be a city councilmember

assigned by consensus of the council each year. In lieu of the City business positions described in subsection 2.30.020(A)(2), person(s) with specific expertise in a field applicable to the commission's work assignment may be appointed.

B. Term. Except as otherwise provided in NBMC 2.30.020(A)(3), the members shall be appointed for staggered terms of four years. Therefore, for members appointed in 2016, two members shall be appointed for terms expiring December 31, 2019, or until their successors are duly appointed and confirmed, and two members shall be appointed for terms expiring December 31, 2020, or until their successors are duly appointed and confirmed. Subsequent appointments for full terms shall begin as of January 1st and shall be for four-year terms, or until their successors are duly appointed and confirmed.

C. Appointment. Except as otherwise provided in NBMC 2.30.020(A)(3), members of the commission shall be appointed by the mayor and confirmed by the council. All members shall be selected without respect to political affiliation and shall serve without compensation.

D. Removal. Members shall be removed upon the recommendation of the mayor and confirmed by a majority vote of the entire city council for neglect of duty, conflict of interest, malfeasance in office or other just cause, including unexcused absence for three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal therefrom.

E. Vacancies. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term in the same manner as for appointments as provided in this chapter.

**Section 2. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 13<sup>TH</sup> DAY OF SEPTEMBER, 2016.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: September 21, 2016

Effective: September 26, 2016

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**Susie Oppedal, City Clerk**